Applicant:

Joseph A. Zupanick

Attorney's Docket 067083.0130

Title:

Filed or Issued:

FLUID CONTROLLED PUMPING SYSTEM AND METHOD

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern:

CDX Gas, L.L.C.

Address of Small Business Concern:

5485 Beltline Road, Suite 280

Dallas, Texas 75240-7656

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled FLUID CONTROLLED PUMPING SYSTEM AND METHOD by Joseph A. Zupanick.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

NONE	

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Title of Person if other than owner: Address of Person Signing:

Perry E. Robertson Vice President 5485 Beltline Road, Suite 280 Dallas, Texas 75240-7656

Signature:

Date:

DAL01:596475.1

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention or design entitled FLUID CONTROLLED PUMPING SYSTEM AND METHOD, that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	<u>Filed</u> Vone	(Yes) (No)
		Date	Priority Claimed

Ihereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial Number	Date Filed	Status			
None					

I hereby appoint:

Robert M. Chiaviello Reg. No. 32,461 Ann C. Livingston Reg. No. 32,479 Kevin J. Meek Reg. No. 33,738 Scott F. Partridge Reg. No. 22,142 Harold E. Meier Reg. No. 22,2428 Thomas R. Nesbitt, Jr. Reg. No. 22,075 James J. Maune Reg. No. 26,946 Charles S. Fish Reg. No. 26,946 Charles S. Fish Reg. No. 35,870 Thomas R. Felger Reg. No. 30,222 James B. Arpin Reg. No. 30,222 James B. Arpin Reg. No. 33,470 Jay B. Johnson Reg. No. 38,363 Barton E. Showalter Reg. No. 38,363 David G. Wille Reg. No. 38,363 Terry J. Stalford Reg. No. 39,522 Bradley P. Williams Reg. No. 40,227 Robert W. Holland Reg. No. 40,227 Robert W. Holland Reg. No. 40,020 Christopher W. Kennerly Reg. No. 41,915 James L. Baudino Reg. No. 43,786 David M. Doyle Reg. No. 43,723 William R. Borchers Reg. No. 43,723 William R. Borchers	Jerry W. Mills	Reg. No. 23,005
Ann C. Livingston Kevin J. Meek Reg. No. 32,479 Kevin J. Meek Reg. No. 28,142 Harold E. Meier Reg. No. 22,428 Thomas R. Nesbitt, Jr. James J. Maune Charles S. Fish Reg. No. 26,946 Charles S. Fish Reg. No. 35,870 Thomas R. Felger Reg. No. 30,222 James B. Arpin Reg. No. 33,470 Jay B. Johnson Reg. No. 38,193 Barton E. Showalter Reg. No. 38,363 Terry J. Stalford Reg. No. 39,522 Bradley P. Williams Reg. No. 40,227 Robert W. Holland Reg. No. 40,020 Christopher W. Kennerly Douglas M. Kubehl Reg. No. 41,915 James L. Baudino Reg. No. 43,486 David M. Doyle Reg. No. 43,723 William R. Borchers Reg. No. 44,549 Brian W. Oaks Reg. No. 45,003 Matthew B. Talpis Reg. No. 45,560 Thomas A. Beaton Reg. No. 45,977 Bryan E. Szymczak Reg. No. 47,120	Robert M. Chiaviello	
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Kurt M. Pankratz Reg. No. 45,977 Bryan E. Szymczak Reg. No. 47,120	Thomas A. Beaton	
Bryan E. Szymczak Reg. No. 47,120	Kurt M. Pankratz	
Thomas J. Frame Reg. No. 47,232	Bryan E. Szymczak	Reg. No. 47,120
	Thomas J. Frame	Reg. No. 47,232
Michael R. Barré Reg. No. 44,023	Michael R. Barré	
Scott F. Wendorf Reg. No. 48,029	Scott F. Wendorf	•
Patent Agents:	Patent Agents:	<u>-</u>
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Kevin R. Imes Reg. No. 44,795	Kevin R. Imes	Reg. No. 44,795

Kevin R. Imes Reg. No. 44,795

Reg. No. 44,795

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

3

Send Correspondence To: Baker Botts L.L.P. 2001 Ross Avenue, Suite 600 Dallas, Texas 75201-2980

Direct telephone Calls To: Terry J. Stalford at (214) 953-6477 Atty. Docket No. 067083.0130

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole inventor

Inventor's signature

Date

Residence (City, County, State)

Citizenship

Post Office Address

Joseph A. Zupanick

Pineville, Wyoming County, West Virginia

United States of America

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Pineville, West Virginia 24874